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EXAMINER	
NGUYEN, NAM V	

ART UNIT	PAPER NUMBER
2612	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/676,967	CHANDLEY, ADRIAN MARK	
	Examiner	Art Unit	
	Nam V. Nguyen	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 March 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-11,13-18,20-33 and 35-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6, 8-11, 13-18, 20-33 and 35-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This communication is in response to applicant's Amendment which is filed March 8, 2007.

Claim 12 is cancelled.

Claims 1-6, 8-11, 13-18, 20-33 and 35-38 are pending.

Response to Arguments

In view of applicant's amendment to amend the claim 12 to obviate the §101 rejections, therefore, examiner has withdrawn the rejection under 35 U.S.C §101.

Applicant's argument to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts or overcome the rejection of said claims under 35 U.S.C § 103(a) as discussed below. Applicant's argument with respect to the pending claims 1-6, 8-11, 13-18, 20-33 and 35-38, filed March 20, 2007, have been fully considered but they are not persuasive for at least the following reasons.

On page 9, last paragraph, Applicant's arguments with respect to the invention in McCarthy in view of Klein does not teach or suggest that in response to receiving the disabling

signal, transmitting from the device TCP/IP routing information corresponding to corresponding to the device is not persuasive.

As defined by claim 1, a security device of McCarthy includes a display to display a code number to be retrieved by the police. Using this number can be used to identify the true owner. In case of a stolen/lost the computer, a service provider then identifies the electronic addresses of the receiver units within the stolen computer and sends a signal to activate those receiver units to display the message to appear on the computer's screen (column 3 lines 59 to 67; see Figures 1 to 5), thereby disabling said the computer system.

Klein discloses that a portable computer system may obtain GPS positioning information corresponding to its location and then transmit the obtained GPS position information to a remote receiver in response to an alarm condition that at least one theft deterrence action is received (column 6 lines 38 to 67; see Figure 4) in order inform the remote receiver of the location of the portable computer system. Clearly, the portable computer system transmits location information corresponding to the portable computer system in response to receiving a deactivation signal. Accordingly, McCarthy in view of Klein disclose all the limitations as recited in independent claims 1, 22, 28 and 37.

Furthermore, in the Specification, page 18 lines 14 to 19, discloses "if a stolen device has a connection to the Internet when in lockdown mode, it can transmit *any known* location information (e.g. TCP/IP routing) to a security monitoring service. It would also be feasible to have a stolen item use a short range SPOT network radio transmitter radio to transmit an alarm code that could be picked up by adjacent Spot equipped PCs, these PCs could in turn transmit

location information back to the security monitoring service." Clearly, the Specification states that transmit location information is a well known method.

Also, TCP/IP routing is just a location information according to Specification. Klein discloses that location information using a mechanism to determine its location, such as a GPS location system (column 2 lines 15 to 21; column 5 lines 61 to 66; column 6 lines 55 to 67; see Figure 4). Therefore, location information is the same as TCP/IP routing. Clearly, Kline discloses that using a position locating system such as GPS location to determine location information to transmit to a remote receiver.

The portable computer system of Klein includes a modem 322 that connect to a mobile telephone 324 to transmit a signal to a remote receiver in response an activated theft deterrence action (column 5 lines 31 to 38; see Figure 3). It is well known that a telephone system is a communication network. Therefore, the portable computer system of Klein transmits a signal includes a location information corresponding to the portable computer system through a communication network. The examiner maintains that the references cited and applied in the last office actions for the rejection of the claims are maintained in this office action.

Claim Objections

Claim 35 recites the limitation "said information" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 35 is also objected to because of the following informalities: Claim 35 depends on a canceled Claim 34. It is suggested to change Claim 35 depends on Claim 29.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 9-11, 22-23, 25-30 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy (US# 6,087,937) in view of Klein (US# 6,011,473).

Referring to claims 1, 22, 28 and 37, McCarthy discloses an electronic device and a method for deterring theft of electronic devices (10) (i.e. a personal computer) (column 1 line 65 to column 2 line 56; see Figures 1 to 5), comprising:

In response to an indication that a device (10) (i.e. a personal computer) is lost (i.e. a customer calls the service provider and identify their personal computer that has been stolen), receiving by a receiver (22) of the device (10) a disabling signal targeting the device (10) remotely via a network (i.e. a telecommunications provider) (column 3 lines 47 to 62; see Figures 1 to 5); and

In response to receiving the disabling signal, electronically disabling the device (10) via a component (14) (i.e. a display screen) of the device (10) that cannot be removed without destroying the device (10) (column 3 lines 59 to 67; see Figures 1 to 5).

However, McCarthy did not explicitly disclose in response to receiving the disabling signal, transmitting from the device TCP/IP routing information corresponding to the device.

In the same field of endeavor of portable computer system, Klein teaches that in response to receiving the disabling signal (i.e. an activation signal to activate theft deterrence action), transmitting from the device TCP/IP routing information (i.e. location information of the portable computer system 120) corresponding to the device (120) (column 6 lines 55 to 67; see Figures 3 and 4) in order to locate the portable computer system and to deter theft of the portable computer system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize transmitting location information of the portable computer system to a remote receiver in response to the activation signal taught by Klein in the personal computer of McCarthy because transmitting a location information from the portable computer system would be able to locate the lost or stolen portable computer system easily and hopefully deter theft.

Referring to claims 2, 23 and 29, McCarthy in view of Klein disclose a security device as recited in claims 1, 22 and 28, McCarthy discloses wherein the network is at least one of a wireless network (column 3 lines 47 to 54; see Figure 4).

Referring to claims 3 and 30, McCarthy in view of Klein disclose a security device as recited in claims 1 and 28, McCarthy discloses further comprising: in response to receiving the disabling signal, displaying a message (i.e. "STOP! this computer is stolen, contact the police") via a display (14) of the device (10) (column 3 lines 56 to 67; see Figures 1 to 5).

Referring to claims 9, 25 and 36, McCarthy in view of Klein disclose a security device as recited in claims 1, 22 and 28, McCarthy discloses further including transmitting said disabling signal at least one of as plain text (column 2 lines 26 to 33; see Figure 4).

Referring to claims 10-11 and 26-27, McCarthy in view of Klein disclose a security device as recited in claims 1 and 22, McCarthy discloses a computer readable medium and a computing device comprising computer executable modules having computer executable instructions for carrying out the method of claims 1, 13 and 22 (column 1 line 65 to column 2 line 56; see Figures 1 to 5).

Claims 4-6, 8, 31-33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy (US# 6,087,937) in view of Klein (US# 6,011,473) as applied to claims 1 and 28 above, and in view of Chesnutt (US# 5,966,081).

Referring to claims 4 and 31, McCarthy in view of Klein disclose a security device as recited in claims 1 and 22, however, McCarthy in view of Klein did not explicitly disclose wherein said disabling includes electronically disabling the device by changing the status of at least one connection in the device from one of (a) open to closed and (b) closed to open.

In the same field of endeavor of antitheft system in a portable consumer electronic, Chesnutt teaches that disabling includes electronically disabling the device (12) (i.e. a laptop computer) by changing the status of at least one connection in the device (12) from one of (a)

open to closed and (b) closed to open (column 3 lines 20 to 47; see Figures 1 to 3) in order to put the computer system not to be operated.

One of ordinary skilled in the art recognizes the need to trips an internal programmable switch or changes the state of a non-volatile memory cell in a laptop computer taught by Chesnutt in a stolen mobile communication security device of McCarthy in view of Klein because McCarthy suggests it is desired to provide that the display unit within the stolen computer changes the visual output on being activated by a remotely transmitted signal (column 2 line45 to 56; column 3 lines 47 to 67; see Figures 3 to 5) and Chesnutt teach that the antitheft device receives the deactivation code and trips an internal programmable switch or changes the state of a non-volatile memory cell in the laptop (column 3 lines 20 to 39; see Figures 2) in order to have the laptop not to be operated when the laptop is stolen. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to trips an internal programmable switch or changes the state of a non-volatile memory cell in a laptop computer taught by Chesnutt in a stolen mobile communication security device of McCarthy in view of Klein with the motivation for doing so would have been to prevent theft from using the security device when such a security device is stolen.

Referring to claims 5 and 32, McCarthy in view of Klein disclose a security device as recited in claims 1 and 28, Chesnutt discloses wherein said disabling includes electronically disabling at least one subcomponent (70) (i.e. a post circuit) of the device (12) (column 3 lines 8 to 39; see Figures 2 and 3).

Referring to claims 6 and 33, McCarthy in view of Klein disclose a security device as recited in claims 1 and 28, Chesnutt discloses wherein said component (71) is a processor and said disabling includes electronically disabling the device (12) by disabling operation of at least a portion of the processor (71) (column 3 lines 8 to 39; see Figures 2 and 3).

Referring to claims 8 and 35, McCarthy in view of Klein disclose a security device as recited in claims 1 and 34, Chesnutt discloses further including locally entering a pre-defined code (i.e. re-enabling code) to the device (12) to re-enable operation of the device (12) (column 4 lines 49 to 60; see Figure 3).

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy (US# 6,087,937) in view of Klein (US# 6,011,473) as applied to claim 22 above, and in view of Struble et al. (US# 6,433,685).

Referring to claim 24, McCarthy in view of Klein disclose a security device as recited in claim 22, however, McCarthy in view of Klein did not explicitly disclose further comprising in response to receiving the disabling signal, transmitting information over at least one of (a) the network and (b) a second network to which the device is connected, said information providing a basis for resolving the location of the device.

In the same field of endeavor of antitheft system in a portable consumer electronic, Struble teaches that in response to receiving the disabling signal (i.e. a command signal), transmitting information (i.e. an article identification information) over at least one of the

network (114) (i.e. a telecommunication network) which the device (202)(i.e. an article) is connected, said information providing a basis for resolving the location of the device (202) (column 2 line11 to 28; column 6 line 64 to column 7 line 12; column 11 lines 33 to 53; see Figures 1 to 7) in order to locate a lost or stolen articles.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need for transmitting an article identification information to a detector over a network for locating a stolen or lost article taught by Struble in an apparatus for inhibiting the theft of an electronic device of McCarthy in view of Klein because locating a stolen article would recovered by a law enforcement agencies and returned the recovered article to their rightful owners that has been shown to be desirable in the security device of McCarthy in view of Klein.

Claims 13-18, 20-21 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ungs (US# 7,034,659) in view of Klein (US# 6,011,473).

Referring to claims 13 and 38, Ungs discloses a computing device and a method for deterring theft of electronic devices (122) (i.e. electronic devices such as computer 122 or mobile phones 102) (column 1 line 51 to column 2 line 7; see Figures 1 to 3), comprising:

in response to a timeout condition (i.e. failed to confirm, for a predetermined set variable time interval, it connection to a network) associated with receiving a message via a network (124) targeted to the device (122) (i.e. a computer), electronically disabling the device (122) via

a component of the device (122) that cannot be removed without destroying the device (column 3 lines 24 to 58; see Figure 1).

However, Ungs did not explicitly disclose transmitting from the device TCP/IP routing information corresponding to the device.

In the same field of endeavor of portable computer system, Klein teaches that transmitting from the device TCP/IP routing information (i.e. location information of the portable computer system 120) corresponding to the device (120) (column 6 lines 55 to 67; see Figures 3 and 4) in order to locate the portable computer system and to deter theft of the portable computer system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize transmitting location information of the stolen or missing portable computer system to a remote receiver taught by Klein in the system for securing electronic devices of Ungs because transmitting a location information from the stolen or missing portable computer system would be able to locate the lost or stolen portable computer system easily and hopefully deter theft.

Referring to claim 14, Ungs in view of Klein disclose a method according to claim 13, Ungs discloses wherein the network (124) is at least one of a wireless network (column 2 lines 59 to 66; column 3 lines 1 to 5; see Figures 1 and 3).

Referring to claim 15, Ungs in view of Klein disclose a method according to claim 13, Ungs discloses further comprising: in response to receiving the disabling signal, displaying a message (i.e. error message) via a display of the device (column 4 lines 3 to 7).

Referring to claim 16, Ungs in view of Klein disclose a method according to claim 13, Ungs discloses wherein said disabling includes electronically disabling the device (122) by changing the status of at least one connection in the device (122) from one of open to closed (column 3 line 64 to column 4 line 11).

Referring to claim 17, Ungs in view of Klein disclose a method according to claim 13, Ungs discloses wherein said disabling includes electronically disabling at least one subcomponent (i.e. a control system) of the device (i.e. a motor vehicle) (column 4 lines 28 to 33).

Referring to claim 18, Ungs in view of Klein disclose a method according to claim 13, Ungs discloses wherein said component is a processor (i.e. a control system) and said disabling includes electronically disabling the device by disabling operation of at least a portion of the processor (i.e. restricting use to its maximum speed) (column 4 lines 12 to 33).

Referring to claims 20-21, Ungs in view of Klein disclose a security device as recited in claims 1 and 22, Ungs discloses a computer readable medium and a computing device

comprising computer executable modules having computer executable instructions for carrying out the method of claim 13 (column 3 lines 30 to 34).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Brian Zimmerman can be reached on 571- 272-3059. The fax phone numbers for the

organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen
May 18, 2007

BRIAN ZIMMERMAN
PRIMARY EXAMINER